

Minutes (Draft)
Scientific Advisory Committee Meeting
August 7, 2007 at 9:00 a.m.
DFS Central Laboratory, Classroom 1

Committee Members Present:

Dr. Jose Almirall
Dr. Frederick Bieber (via teleconference)
Mr. Joseph Bono
Dr. Dale Carpenter
Mr. Dominic Denio
Dr. Arthur Eisenberg
Mr. Barry Fisher, Chair
Ms. Deborah Friedman
Dr. Dan Krane
Mr. Pete Marone
Dr. Norah Rudin
Mr. Kenneth Smith

Committee Members Absent:

Dr. Alphonse Poklis

Staff Members Present:

Mr. Jeff Ban, Forensic Biology Section Chief
Dr. David Barron, Technical Services Director
Ms. Michele Gowdy, Department Counsel
Mr. John Przybylski, Controlled Substances Section Supervisor
Ms. Meghan Kish, Committee Secretary
Mr. Ron Layne, Director of Administration and Finance
Ms. Alka Lohmann, Breath Alcohol Section Chief
Ms. Elise Mirza, Policy Analyst
Ms. Susan Uremovich, Eastern Laboratory Director
Mr. Steven Sigel, Deputy Director

Call to Order:

Mr. Fisher called the meeting to order at 9:10 a.m.

Adoption of Agenda:

46 Mr. Fisher asked if there were any additions or changes to the draft agenda. There were
47 none. There was a motion to adopt the agenda. The motion was seconded, and the agenda
48 was adopted without amendment.

49
50 Adoption of Minutes:

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52 Mr. Fisher asked if there were any changes that needed to be made to the draft minutes
53 from the February 7, 2006 meeting. There were none. Dr. Krane motioned to accept the
54 draft minutes as final. The motion was seconded by Dr. Eisenberg, and the minutes were
55 accepted by unanimous vote.

56
57 Chairman's Report:

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59 Mr. Fisher announced that there were several seat changes to be recognized on the
60 Committee. Mr. Bono was appointed to the position of Director of a Private or Federal
61 Forensic Laboratory, from the position of Quality Assurance Monitor. Filling that
62 vacancy was Ms. Deborah Friedman of the Broward County Sheriff's Office Laboratory.
63 Mr. Fisher next introduced Dr. Norah Rudin, a Forensic DNA consultant from Mountain
64 View, CA, who succeeded Ms. Demris Lee in the Forensic Biologist seat.

65
66 Mr. Fisher reported that he and Mr. Bono had been appointed as the Committee members
67 to sit on the Forensic Science Board, and congratulated Mr. Bono on his election to the
68 position of Chairman of that body.

69
70 Mr. Fisher informed the Committee that, although the next meeting of the Committee
71 was tentatively scheduled for February 5, 2008, that date may be changed due to
72 conflicts. He suggested that the Committee wait to schedule their meeting until they
73 receive feedback from the Board regarding their February date.

74
75 Mr. Bono made a motion to await the Board's scheduling decision prior to setting any
76 definitive meeting dates. Mr. Smith seconded that motion. The motion carried.

77
78 Director's Report:

79
80 Mr. Marone directed everyone's attention to the reports that had been provided, reporting
81 quarterly from all of the laboratory sections. He used the productivity to explain the
82 success of the backlog reduction efforts that had been put into place last year.

83
84 Mr. Marone next introduced David Barron, Ph. D., formerly the Central Laboratory
85 Director, and now the new Technical Services Director. He announced that Mr. Jeff Ban,
86 former DNA Section Chief, had been hired as the new Central Laboratory Director. He
87 described their individual qualifications, and explained that both were selected after
88 public hiring processes.

89
90 Next, Mr. Marone provided an update on the breath alcohol equipment: the evaluation
91 units have just arrived and will undergo a minimum of six months of testing by the

92 Department of Forensic Science. If, after the evaluation period, the instruments meet all
93 the set requirements, a contract will be awarded.

94
95 Mr. Marone reported that the Department had applied for and received the following
96 grants:

97 2007 NIJ Forensic DNA Backlog Reduction Program – (\$1,019,118)
98 Coverdell Forensic Science Improvement Grants Program – (\$50,000 with
99 \$8,500 match)
100 DMV Grant – received \$150,088.00 in funds with a \$30k match
101

102 He informed the Committee that the Department had also applied for a Convicted
103 Offender and/or Arrestee DNA Data Bank Reduction grant, which was not granted due to
104 the fact that our DNA Data Bank did not have a backlog.
105

106 Mr. Marone announced that the Department has hired three new controlled substances
107 examiners (trainees through VIFSM) and two new Digital Evidence Examiners (one from
108 VIFSM, one is an external recruit).
109

110 Additionally, the Department has hired eight new DNA trainees, 5 of which will train at
111 the Central Laboratory, and 3 at the Eastern Laboratory. The Department also has eight
112 Firearms trainees, four starting in Central, two starting in Eastern, and two more in their
113 second year of training.
114

115 Mr. Marone announced that construction is expected to begin at the Northern Laboratory
116 on August 15, 2007 with an expected move-in date in February of 2009. A Capital
117 Budget Proposal has been submitted to buy the land next to the Western Laboratory and
118 expand the lab into that space. The Administration Section at the Central Laboratory is
119 expected to move into their new space on the third floor of the new building across the
120 street sometime in late January. Negotiations are still ongoing at the Eastern Laboratory.
121

122 Mr. Marone explained to the Committee that the Department was requesting budgetary
123 increases in a number of areas, specifically for increased utility costs for all the labs (but
124 especially Northern, which is being expanded), for new scientific and support positions
125 necessary to fill future voids, and for the purchase/replacement of scientific equipment.
126

127 Mr. Marone next addressed the DNA/Serology case file review that is underway. He
128 reported that 117 files have been sent to BODE for testing, approximately 68 of which
129 have been returned. A report on the results of the re-testing is being prepared for the
130 Governor's review. Many cases containing only fibers are coming back with no results,
131 but as the Department moves into the later cases, more conclusive results are being seen.
132

133 The Department has two legislative proposals that are currently with the Secretary of
134 Public Safety. The first seeks to define "Ammunition." Due to the fact that there is no
135 statutory definition, the Department regularly receives submissions of unfired
136 ammunition for testing that, should the definition be added, will no longer be necessary.

137 The second of the proposals seeks clarification of Sex Offender Registry, to codify the
138 fact that misdemeanors shall be placed into the DNA data bank.

139
140 Requirements for Qualified Scientist Positions:

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142 Dr. Barron gave a presentation of the Scientific Staff Training Program, in response to an
143 inquiry from the Board that the Scientific Advisory Committee provide oversight of the
144 Department's training programs currently in place.

145
146 At the conclusion of his presentation, Mr. Fisher asked if anyone would like to adopt the
147 motion to have the qualifications for all forensic scientist positions at the Department of
148 Forensic Science require a Bachelor's degree. It was suggested that perhaps DFS would
149 like to consider specifying a degree in the hard sciences, but it was decided that the
150 Committee should require the minimum qualification, and allow DFS to set the area of
151 study or coursework as a preferred qualification.

152
153 There was discussion of the qualifications required by various SWGs, as well as other
154 certifying bodies within the forensic field. Committee members voiced that they felt it
155 was important for Department examiners to seek outside certifications. Mr. Marone
156 responded that the Department has developed incentives to offer examiners who seek
157 these additional certifications.

158
159 Mr. Bono next asked Mr. Marone to clarify the Virginia Institute of Forensic Science and
160 Medicine's (VIFSM) involvement in recruiting and training of new forensic scientists.
161 Mr. Marone responded that, several years back, DFS did not have the positions to train.
162 VIFSM, a private entity, allowed DFS to train people who weren't officially on the state
163 payroll. Department examiners would provide training for Institute fellows outside of
164 their DFS roles. Because of the length of time it takes to train new examiners, it was
165 necessary to have fellows already in training prior to the position actually opening with
166 the Department. Before, when the training was complete, DFS was able to go to the
167 legislative bodies and ask for funding for a position for that new examiner; the positions
168 were being created as the scientists were finishing their training. However, Mr. Marone
169 went on to explain that, with only the approximately \$20,000 per year stipend, it was
170 becoming harder and harder to recruit qualified fellows. When the Department took over
171 the hiring process, they were able to offer fellows positions with DFS, with the same
172 benefits as other state employees. Since this change, the Department has seen an increase
173 in the quality of the applicant pool. Mr. Marone clarified that VIFSM still provides
174 oversight of the trainee review process.

175
176 Mr. Bono asked if there was any statutory basis for VIFSM's involvement. Mr. Marone
177 responded that there was a Memorandum of Understanding, but that VIFSM has no
178 statutory authority.

179
180 Mr. Bono moved that the qualifications for forensic scientist positions within the
181 Department of Forensic Science include the minimum requirement of a Bachelor's

182 Degree. Dr. Rudin seconded the motion. The motion passed unanimously. Mr. Marone
183 abstained.

184
185 Subcommittee on Familial Searches Report:

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187 Dr. Krane provided a summary of the discussions of the Familial Searches
188 Subcommittee, which had culminated in the creation of a summary report of their
189 discussions. A copy of the report was provided to the Committee.

190
191 At the end of Dr. Krane's summary, there was discussion by the Subcommittee members,
192 providing clarification and elaboration to some of Dr. Krane's points. Dr. Eisenberg
193 made a point of commending Dr. Krane and Dr. Bieber for their efforts as Chairmen.

194
195 After discussion of the report, Mr. Bono made a motion to amend a sentence in the report
196 to include the defense bar, by changing Commonwealth's attorneys to "criminal justice
197 attorneys." The motion was seconded, and passed without opposition.

198
199 Dr. Krane concluded by asking the Committee for guidance regarding the necessity of
200 future meetings. Mr. Fisher suggested that the question be posed to the Board, and the
201 Committee concurred.

202
203 Drug Sampling Language:

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205 Mr. John Przybylski, Controlled Substances Section Supervisor at the Department's
206 Central Lab, gave a presentation of current and proposed wording regarding drug
207 sampling and reporting.

208
209 There was brief discussion of current Departmental policy. Mr. Bono made a motion to
210 adopt the wording changes proposed by the Department. The motion was seconded by
211 Dr. Eisenberg, and the motion carried unanimously.

212
213 Presentation of the STR Data Interpretation:

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215 Mr. Ban gave a presentation of the Department's policies regarding STR data
216 interpretation in a number of different scenarios. At the conclusion of his presentation.
217 Dr. Krane and Dr. Rudin questioned the possible presence of examiner bias, given the
218 current wording of procedures manual. There was lengthy discussion of different sides of
219 that argument, with potential wording changes suggested.

220
221 Mr. Fisher, recognizing the divisions of opinion that exist on this issue, suggested that
222 this issue be tabled until a later time when further discussion is possible.

223 New Business:

224
225 There was no new business.

226
227 Selection of Future Meeting Dates:

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229 Mr. Fisher reiterated that the February 2008 meeting of the Committee would be
230 announced after the August 8, 2007 Board meeting. He did however announce that the
231 second meeting of 2008 would be held on August 5, at 9:00 a.m.

232

233 Update Contact Information:

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235 Mr. Fisher directed the Committee's attention to the contact information handout, and
236 asked that members fill out the information so that an updated contact list can be
237 generated. He explained that Ms. Kish was leaving the Department, and asked that, until
238 a new secretary is appointed, all members contact Ms. Gowdy with any comments or
239 questions. Ms. Kish then addressed a number of secretarial issues.

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241 Public Comment:

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243 Mr. Fisher asked if there was any public comment. There was none.

244

245 Adjourn:

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247 The meeting adjourned at 12:30 pm.

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